

Defendants' time to respond to the complaint and to respond to the motion for a preliminary injunction are both enlarged to May 15, 2020. So ordered.



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

/s/ Alvin K. Hellerstein  
5/1/2020

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

**VIA ECF and FACSIMILE**

The Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

April 30, 2020

Re: Marquez v. Annucci, 20 Civ. 1974 (AKH)

Dear Judge Hellerstein:

This office represents the Defendants who have been served in the above action.<sup>1</sup>

I write to respectfully request an extension of the deadline for Defendants to respond to the Complaint to May 15, 2020, from the current deadlines to respond, which is May 4, 2020. Plaintiffs' Counsel has consented to this request. Since my letter dated March 30, 2020 requesting the first extension of the deadline to respond, additional defendants have been served, and their deadlines to respond are after May 4, 2020.<sup>2</sup> Moreover, it is my understanding that Plaintiffs are still attempting to serve Defendant Loftin.<sup>3</sup> This is likely to be completed before May 15. To avoid piecemeal submissions, it is preferable that all defendants respond at the same time. This is the second request for an extension of this deadline and does not impact any other deadlines.

Since my March 30, 2020 letter, Plaintiffs filed a motion for a preliminary injunction on April 24, 2020. Defendants' deadline to respond to that motion is May 8, 2020. Defendants hope to address the issues raised in that motion, which raises general legal issues, before individually responding on behalf of the eighteen named defendants in this action. An extension is also needed as my office received this case, and I was assigned this case, after emergency health procedures were put into place by the State of New York (including DOCCS, which employs, or employed, all of the Defendants) resulting in staff, including myself, working remotely from home with limited support available. As of this time, I only have received from DOCCS a few of the relevant

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<sup>1</sup> My office was advised that the Complaint and related materials were left at the last known address of Joseph Lima. His widow has informed me that he died on January 16, 2020 (prior to the commencement of this litigation), which is confirmed by various online obituaries. A Suggestion of Death has been filed (ECF No. 76). The Estate of Joseph Lima has not yet been substituted or served. This Office does not represent Joseph Lima or his Estate at this time.

<sup>2</sup> Plaintiffs' filings indicate that Defendants Hogan and Manderson were served on April 16, 2020, and their deadline to respond is May 7, 2020 (see ECF Nos. 67 and 68).

<sup>3</sup> This office recently provided Plaintiffs' Counsel with Defendant Loftin's last known address. He is no longer employed by DOCCS.

background materials regarding Plaintiffs' claims (beyond those filed by Plaintiffs) that must be reviewed before a response can be prepared. In addition, the requested extension may allow the parties to continue to explore a resolution of this action and provide time for the service of Defendant Loftin before Defendants' response is due.

We thank the Court for its consideration in this matter.

Respectfully submitted,

*/s/Jeb Harben*  
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cc: Plaintiffs' Counsel (Via ECF)